IN SENATE OF THE UNITED STATES.

DECEMBER 27, 1845.

Submitted, and ordered to be printed.

Mr. SPEIGHT, from the Committee on Public Lands, made the following

REPORT:

[To accompany bill S. 4.]

The Committee on Public Lands, to whom was referred the bill entitled "A bill to apply certain alternate sections of the public domain toward the completion of works of internal improvement in the State of Michigan, and for other purposes," beg leave respectfully to submit the following report:

They have maturely considered the importance of the objects set forth in the bill, and are of opinion that the same ought to be passed into a law. The committee refrain from going into an elaborate investigation of the subject, because the bill is the same as the one heretofore passed by the Senate, accompanying which was a report from the Committee on Public Lands, together with a letter from the Hon. William Woodbridge, one of the Senators from the State of Michigan, to said committee, both of which documents are hereunto appended, and prayed to be taken as a part of their report; as also a letter from John M. Berrien to the Hon. William Woodbridge, a letter from C. G. Hammond, auditor general of the State of Michigan, to Governor Barry, and one from Mr. Hammond to the Hon. William Woodbridge. The documents referred to are marked A, B, C, D, and E.

The Committee on Public Lands, to whom was referred the bill entitled "A bill to apply certain alternate sections of the public domain toward the completion of works of internal improvement in the State of Michigan, and for other purposes," respectfully present:

That they have maturely considered the subject of said bill, and are of the opinion that its object and provisions are proper and just. The bill is similar in all respects with that which was recommended to the favor of the Senate, at its last session, by the Committee on Public Lands. It was then accompanied by a report, and which, with the matter appended thereto, this committee have now again reviewed, containing an exposition of the grounds upon which the aid of Congress was invoked. That exposition is fully satisfactory to your committee, upon this reconsideration of

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the subject. They ask leave to adopt it *in extenso*, and pray that it be taken as part of this report. The committee accordingly return to the Senate the said bill, and respectfully recommend that the same do pass.

A.

IN SENATE OF THE UNITED STATES, *January* 24, 1843.

Mr. SMITH, of Indiana, from the Committee on Public Lands, to whom was referred "A bill to apply certain alternate sections of the public domain toward the completion of works of internal improvement in the State of Michigan, and for other purposes," made the following report:

The bill referred to the committee contains three distinct propositions, the design and object of each of which being to aid the State of Michigan in her efforts to complete certain lines of interior communication through the peninsula of Michigan; the greater part of the public domain of which still remaining the property of the United States.

The first section of the bill proposes to grant to the State of Michigan every alternate section of the public domain in a strip of ten miles in width, from Ann Arbor, in the county of Washtenaw, to the mouth of the St. Joseph river, near the southern extremity of Lake Michigan, in the county of Berrien; that is to say, in a strip of five miles in width, on each side of the Detroit and St. Joseph railroad, for the purpose of aiding said State in completing said road, reserving each alternate section to the United States, and increasing the minimum price thereof to two dollars and fifty cents per acre. This line of communication from Detroit to its western terminus is about two hundred miles in length, of which about eighty miles are finished, or so nearly so that the cars upon it, propelled by steam, have been in full operation during the last summer and autumn, carrying freight, passengers, and the public mail, over that distance.

The second section purports to grant to the State of Michigan, in like manner, each alternate section in a strip of land five miles in width on each side of the canal heretofore projected, surveyed, and located by said State, from near the entrance of the river Clinton into Lake St. Clair, a short distance above the straits of Detroit, and extending westerly about two hundred and sixteen miles to its western terminus on Lake Michigan, for the purpose of aiding the State in the completion of said canal, reserving to the United States each alternate section, and increasing, in like manner, the minimum price thereof to two dollars and fifty cents per acre. It is stated to the committee that about seventeen miles of this work are completed, or nearly so, and upon other portions of the line large expenditures have been made for mason work, grubbing, and grading.

The third section of the bill proposes to grant generally to the State of Michigan, to be disposed of by her legislature, an additional quantity of 500,000 acres of the public domain lying in that State, the proceeds of the sales of which to be applied by the legislature to the completion of the roads and railways of the State, and toward the payment of the debts the State has heretofore contracted, or may hereafter contract, for or by reason of her system of internal improvement, securing to the United States the use thereof, in the conveyance of her arms and munitions of war upon the

same, without charge. The committee have thus very briefly stated the substance of the provisions of the bill, without pretending to go into the details of the several sections, all of which are drawn carefully from precedents of acts of like nature, in favor of other of the new States making grants to them for like purposes. (See Laws U. S., vol. 7, pp. 582, 583, 602; vol. 8, pp. 36, 118, 119, 282, 351, 462, 833.)

The first two sections stand upon distinct grounds from the third, and the committee find no difficulty in reporting them to the favorable consideration and action of the Senate, for the following among other reasons: Similar grants have been made to other of the new States; hence precedents are in their favor, and equal justice would sanction and require their enactment. Secondly, they grant alternate sections of land only, reserving the other alternate sections to the United States, and increasing the minimum price of the reserves to double the present price of the public lands; so that, in fact, the United States would receive as much money for the strip of ten miles, so far as the same is exclusively public lands, after they shall have made the grant, as they would receive, should they refuse to make it and sell the whole; while in the one case the State would be benefited, as well as the United States, to the amount of the grant, and in the other neither would receive any benefit whatever by its being withheld. Thirdly, the United States are as yet the great land proprietors of the domain of the peninsula of Michigan, which is exempt from taxation by the State through which these works of internal improvement run; consequently, it is their interest to aid in making communications to and through these wild lands, for the purpose of facilitating their sale and settlement. Fourthly, these works are of a national character—links in a great chain of internal communication connecting different sections of the Union; and, without going into any constitutional argument on the subject, it is manifest that, when completed, they would be very important to the United States, in peace and war, for the transportation of her mails, soldiers, and material of war, to and from a point upon the northern frontier, which, of all others, is the most exposed to the rapid concentration of hostile military forces. The committee will not attempt to press into this concise report the many considerations that would legitimately belong to it, preferring to lay down a few plain positions in support of the first two sections of the bill; but they take pleasure in referring the Senate to the able communication which they append to this report, from one of the Senators from Michigan, which will be found to supply the most of the defects of the report, and to give to the Senate an intelligent and intelligible view of many matters, connected with the subject of the bill, not even hinted at by the committee. The third section of the bill, differing somewhat in principle in some respects from the first two, the committee are of opinion had better be deferred for separate consideration, unconnected with the provisions of the other sections; and, without expressing any opinion upon the proposition contained in that section, they report the bill to the Senate, and recommend its passage, with an amendment striking out the third section.

B.

WASHINGTON, *January* 18, 1843.

SIR: Applications in behalf of the new States, so frequently urged here, for the appropriation of parts of the public domain to local purposes, have come, I believe, to be considered rather ungraciously. When such applications are presented, it is almost as of course that we are reminded of the frequent grants that have been made; and, especially, of the very large reservations for the purposes of *education* in the west; and we are sometimes reproachfully charged with grasping at too much!

That such a sentiment should prevail among those who are not particularly conversant with the history and condition of the new States, or with the deprivations with which their people have had to contend, may not, perhaps, *prima facie*, appear unreasonable. A glance, for the first time, over the map of our widespread country, dotted all over, as it is, with the school reservations, might very naturally lead our friends of the Atlantic border to think that the national government had dealt very liberally with us; and they would be very apt to admire the benevolent policy, and the far-reaching sagacity too, of those who first devised so munificent a system! It was, indeed, a system worthy of the great and good men who, in its infancy, controlled the destinies of this nation. They perfectly well knew that there was no guarantee for the continuance of the free institutions they had determined to extend over the broad west, except that which was to be looked for in the virtue and intelligence of those who should inhabit it. They resorted, therefore, to the only measures in their control to attain that end, and provided for the education of the millions who were destined to inhabit those new States they were seeking to establish there. No plan could have been wiser; none could have been devised so well calculated to strengthen, to extend, and to perpetuate the republic. I would not therefore detract, in the smallest degree, from the merit of a policy so beneficent and so wise. But yet I do not hesitate to say, that in all this *there was nothing gratuitously bestowed upon the people of the west!* I feel warranted in the assertion that every citizen of the west, however humble, who has purchased of the national government an eighty-acre lot, *has paid, as truly*, and *as fully*, for his interest in the school section of his township, as he did for that eighty-acre lot which is patented to him. It was one of the *conditions of every sale*—it was one of the *published terms* of every contract of purchase made—that a certain *designated portion* of every surveyed township should be set apart, and the usufruct of it be forever applied to the purposes of education. Hence it became a *security* for the establishment of a school in every neighborhood: it became a *privilege* appurtenant to every farm. And how much that privilege is worth, every disciple of freedom, every father of a family, who loves his children, can best judge. No man, at least, will doubt but that it constituted a most material *element and condition* in the contract of sale.

The first sale of public domain effected by the United States, it is believed, was in 1786, to the Ohio Company of Associates. That company contracted for, I think, about two millions of acres, with the privilege of choosing their location. The stipulated price per acre was sixty-six and two-thirds cents, payable, in part, in old *continental certificates*. But the purchasers required that, *in addition to the acres they paid for*, it be made

a part of their contract, not only that section No. 16, in each township within the exterior limits of their purchase, should be *perpetually* appropriated to the support of common schools, but that *another* 36th part of the whole, every section No. 29, should be perpetually appropriated for *religious purposes;* and that two entire townships, also, within the limits of their purchase, should in like manner be applied to the endowment of a university. In addition to these provisions, it was further stipulated that one hundred acres should be gratuitously conveyed to every settler within the purchase. All these appropriations, it will be observed, were made *in addition* to those acres which were patented, and as *additional* motives for the purchase. The contract of sale executed the year after, with John C. Symmes and his associates, comprised provisions and conditions very similar. But the warrants for lands granted to the officers and soldiers of the revolution, and subject to be located in the same northwest territory, but in relation to which similar reservations for schools, &c., *were not made* for years after, were sold in market as low as from 6¼ to 12½ cents per acre! The ordinance of 1787, however, affirmed the general principles recognised in the contract with the Ohio company. The *permanent* land system, soon after adopted by Congress, contained the stipulation, and announced it to the public as one of the *terms* and *conditions* of sale, that section No. 16 in each surveyed township should be forever appropriated to the support of schools in such township. And nothing, it is believed, is hazarded by the remark, that, up to this day, the public domain would never have been sold—at least for any thing like the price subsequently obtained for it—except for the stipulated reservations for the purposes of education, and the other stipulations contained in the ordinance of 1787, for the extension and establishment of the political rights and privileges which that ordinance secures. The "crown lands," anterior to the revolution, were never sold at such prices. The vacant lands in the respective States, *after* that period, never sold at such prices. The "crown lands" within the province of Upper Canada, until very recently, were procurable by any British subject settling upon them, upon the payment *merely* of certain office fees and the expense of conveyancing. More recently still, the *proprietary interest* in all these "crown lands" has been *transferred* and *granted* to the colony. Comprising as fertile and fine lands as any within the limits of the United States, they are now divided into two classes, and made subject to sale—those of the first quality at $1 per acre, and those of the second quality at fifty cents per acre; and the proceeds of all sales are paid into the colonial treasury; while, at the same time, the most extraordinary efforts are being made, and at an immense expense, by the parent government, to open canals, construct railways, and to open and establish roads *all over the province.*

But, whatever speculations may be indulged as to what would have been the results of a system which should *not* have provided for such reservations and conditions, certain it is, that the acts of Congress, *inviting* the purchase and directing the sale of the public lands, *expressly stipulated* for them; and by force of those provisions the United States virtually *entered into* a *covenant* with all purchasers "to *stand seized*" of the reserved sections, for the use designated, forever. This particular provision and *designation of uses* became one of the terms of every contract of sale subsequently made. And although, when from time to time, as the Territories were successively admitted into the Union as States, these re-

served sections *ostensibly*, under color of a "compact," purport to have been "*conveyed*" to such States, yet it was the *legal title* only, subject, in *all* contingencies, to the *designated use*, that could have been so conveyed. In other words, the *trust* was transferred to *another trustee*, so soon as, by the recognition of Congress, each State successively became *sui juris*, and competent to execute the duties of such trustee. If this view of the matter be a sound one, then it is *unjust* to allege that these reservations were *gratuitous grants* to the States. The policy was indeed a *wise* and a liberal one; but it is not the *less* true that every purchaser of the public domain has paid a full and ample price for the privilege he thus acquired for his children. If the policy of the government has in this respect spread blessings far and wide over the United States, that same policy has reacted, as in the dispensations of a wise Providence could well have been anticipated, with ten-fold profit to the benefit of that government whose policy it was.

But it is also said that Congress have accorded to the new States 5 per cent. of the net proceeds of the sales of land, for the purpose of constructing and improving the public roads; and that in *that* also the United States has shown itself liberal and generous to the new States. The Secretary of the Treasury, Mr. Gallatin, upon the occasion of the admission of Ohio as a State of the Union, was of opinion that at least 10 per cent. of the proceeds of all sales should be granted to the new States, respectively, (see his letter to Mr. Giles, chairman, &c., American State Papers, vol. 1, pp. 327, 328,) not *as a gratuity* to the State, but as a matter of *profit to the Union*—as a mere matter of pecuniary *calculation* and revenue. He even recommended, at another time, that the first twenty millions of the proceeds of the public domain should be *entirely* appropriated to purposes of internal improvement. His reasoning was, that by constructing roads, &c., to and through the public domain, an *increased value* was imparted to the lands, greater than the expense of constructing them: (see reports of Mr. Gallatin, 1 American State Papers, 740, 741, and 920, 921.) But the reasoning of Mr. Gallatin in this particular, however just, was neither peculiar to himself nor novel. Every large individual proprietor in the west then felt the full force of that reasoning, and not unfrequently illustrated it *practically*, by large donations for roads to and through his lands. And it is worthy of special remark, that the people of Maine, (than whom none perhaps are more sagacious or considerate,) appear to have holden *their* "Crown lands" at thirty cents per acre, and *authorized the expenditure of one half of that in the construction of roads within the township*. But they *have gone further*, and by their laws provided that when the number of purchasers, resident in any township, shall equal forty, then that the residue of the public domain within the same township shall not be sold for less than double the original price, viz: sixty cents per acre. This practical commentary upon the policy in question is stated in a well-reasoned and able report, made to the Senate in 1832, and is to be found in American State Papers, vol. 2, pp. 613, 920, 921, and in which, also, is a reference to the laws of Maine.

When, in 1828, there was granted five hundred thousand acres of the public domain, "for the purpose of aiding the State of Ohio in the payment of the debt, or the interest thereon, which *had been* or *might be* contracted in the construction of canals," &c. Congress at the same time directed the application of every alternate section, in a strip of ten miles

in width, along the course of the then projected canal from Dayton to Lake Erie; conveying by that act, and the amendatory act of April 2, 1838, (vol. 8, p. 282, Laws U. S.) including in the estimate the amount granted to the State of Indiana for so much of its Wabash and Erie canal as was designed to run through the State of Ohio, and which, subject to the same conditions and uses, was authorized to be conveyed to Ohio—a number of acres falling, it is believed, but little, if any, short of the like quantity of 500,000 acres. But, at the same time, the minimum price of $1 25 was raised on the alternate sections *reserved* to $2 50 per acre. The same principle has been applied in other cases to Indiana, and quite as broadly to Illinois. In regard to *these* States, then, the United States has adopted the reasoning of Mr. Gallatin and the policy of Maine. Why not extend it also to Michigan? Have subsequent events proved that there was *fallacy* in the views of Mr. Gallatin? Has experience shown that the policy of Maine was unsound? If, in the view of *any* gentleman, the *bread* of this government were *really*, by such a policy, "cast upon the waters," has it not returned to the donors many fold?

But, as if it implied *reproach* to consider this matter as resting upon the footing of mere practical economy and wisdom in the management of the public domain as a branch of the public revenue, this 5 per cent. is often alluded to, as if it were intended as a *boon* to the new States; as if that, and other grants, should be deemed, by the *purchasers* of these waste lands, as incontrovertible evidence of a generosity and liberal policy *gratuitously* adopted by the general government, which *entitle* that government to the unceasing gratitude of the whole west! It seems pertinent, then, to ascertain how far that sentiment is founded in justice. This can best be done by an examination into the origin and history of that policy. It is true that the members of the old Congress *did* look *higher*, and beyond considerations of mere dollars and cents, and sought to attain objects more worthy of their own elevated patriotism and expanded benevolence. In their ordinance of 1787, they declare that "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in said territory; to provide, also, for the establishment of *States* and permanent governments therein, and for their admission to a share in the federal councils, on an *equal* footing with the original States, at as early periods as may be consistent with the general interests," &c., it is ordained and stipulated (among other things) that whenever any of the specified States (the boundaries of each they define) shall contain sixty thousand free inhabitants, such State shall be admitted into the Congress of the United States "on an equal footing with the original States, *in all respects whatever;*" and to this assurance they pledge the faith of the nation. To *create* and *establish* such States then, to spread them over the vast country of the west—States that should be equally intelligent, and equally capable of self-government, as the "original States"—States that should possess the *same* inherent powers, that should be equally free, equally independent, and equally *sovereign—was the great end and object* of *their* legislation. Relatively to *that* end, all others are subordinate; and in that object, all others merge! Is this reading of the ordinance assumed too boldly? Then it will be fit to refer to the acts and deeds of cession, from which the Congress emphatically *consented* to de-

duce its title. That from Virginia especially, whose claim extended over the whole northwest, annexes *one leading* condition to its grant; and that condition is, "that the territory so *ceded shall be laid out and formed* into States, containing a suitable extent," &c.; "and that the States so formed shall be distinct republican States, and admitted members of the federal Union, having *the same rights of sovereignty*, freedom, and independence, *as the other States*." To determine the political character of the *new* States, then, it would seem only necessary to ascertain that of the *old* States; for, if the Congress *consented to take and to hold* under the deed of cession, it *must* have taken and holden *per formam doni;* and whatsoever right of sovereignty, freedom, and independence the old States possessed, the *new* States *must* have possessed. It is conceded, nevertheless, that the constitution of the United States, subsequently adopted and agreed to by the people of *all* the States, *may* be, and perhaps *ought to* be, so construed as not only to abrogate and vacate all laws and ordinances, but *grants* even, which may be inconsistent with, and contrary to, its own provisions. And although that constitution contains a clause sanctioning such "engagements" as may have been entered into by the United States, under the confederation, yet it may, perhaps, be correctly urged, that even that clause should be *so* narrowed down as to include only *such* engagements as *stand well* with the constitution itself—such as may consist well with its general intent, scope, spirit and objects. Now, the constitution provides for the admission into the Union of "new States;" but does it contemplate their admission upon terms of *gross inequality?* An inequality in *one* solitary particular it may indeed sanction. It contains a clause purporting "that Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." And the construction which, it is believed, has uniformly been given to this clause by Congress, is, that the national government has the power to hold real estate in the *new States*, not *merely* while they continue Territories, but in the *same* States after they shall respectively have been *admitted into the Union.* Assuming that this is the *true* construction of the clause, why was it inserted? Unquestionably, because, without such provision, *each new State*, at the moment of its admission, would have become invested with the proprietary interest in all the vacant and unsold lands within its limits; for it must be admitted that each of the "original States," as an attribute of its sovereignty, uniformly claimed and held in its own right all such lands. In this particular, then, the new States do not stand "upon the same footing with the original States." But, for the rest, it is *confidently* asserted that *all* the States were intended by the constitution to stand, as regards political power, and of right ought to stand, relative to each other, and relative to the general government, upon the footing of the most *entire equality.* What one State *can* do, every other State should, of right, have the *power* to do. A contrary hypothesis would tend at once to throw every thing out of balance.

Thus, then, the deed of cession, under which the United States has been pleased to claim and to hold, *purports* to secure to each of the contemplated new States the *right* to be admitted into the Union as a coequal republican State, having the *same* rights of sovereignty, of freedom, and independency, as are possessed by the original States. The ordinance of 1787, among its fixed articles of compact, "provides, in manifest conformity with the fundamental condition in the deed and act of cession, for the admission of

such *new States*" *upon the same footing* with the original States, *in all respects whatsoever;* and such, the leading purpose of the whole procedure, *must, ut res magis valeat, quam pereat*, constitute the end and the guide by which *every* other provision of the ordinance must be construed. The constitution of the United States, posterior in date, but paramount in power, then provides for the admission of such new States, with only one restriction, as coequal members of the Union, having the *same* political powers and rights of sovereignty; for no other principle would consist with the plan, the provisions, and the scope of that fundamental law. It might well be contended, that whatsoever powers or rights the Congress may rightfully enforce are such only as are conferred upon that body by or through the constitution—all the rest remain with the States or with the people. Whatsoever restrictions exist upon the sovereign powers of the States, are, in like manner, to be sought for there, and, it is believed, only there; and there, as regards the description of political powers they may respectively exercise, they are assuredly considered as coequals.

I have been very reluctantly led into these diffuse expositions, because I have deemed it desirable to ascertain *what* rights and powers the new States may justly claim, before I solicited the consideration by the committee of the *value* of the rights and powers of which they purport to have been deprived.

After the population of Michigan very certainly exceeded sixty thousand, its people indicated a strong desire to be admitted into the Union, but no movements in Congress corresponding with that wish were had. Impatient at the delay, and rendered yet more restless perhaps by a sense of the injustice and contumely implied in the rejection of their application, they ultimately resolved to proceed in the organization of a State government, without waiting further for the desired action of Congress. An act of the local legislature was passed, calling a convention for that purpose. In May, 1835, its constitution was formed, and a more formal demand for the recognition of the State and its admission into the Union, *with a representation* in the House proportioned to its population, was respectfully submitted.—(See Senate Doc., 1st sess. 24th Cong., vol. 2.) In June, 1836, an act of Congress was passed, purporting to establish the northern boundary of Ohio, and to provide for the admission of Michigan, &c.—(See Laws U. S., vol. 8, p. 376.) That act contained a clause prohibiting the State from imposing any tax, assessments, or imposition, *in any case*, and under any pretence or emergency whatever, upon the public lands; but at the same time declared "that *the interest which might be given* to the State *in the public lands* should be the subject of future negotiation." It further declared it to be "a fundamental condition of the admission of the State, that the people of Michigan should, in the manner indicated, *express their assent* to the alteration specified in their southern boundary." That act became inoperative, at least in part. Michigan remained excluded from the Union until the 26th January, 1837, when the State was declared, without qualification, (though *with but one* Representative,) to be fully admitted.—(Laws U. S., vol. 8, p. 588.) Yet, during the spring of 1837, it contained (as by its authorized census it appeared) upwards of one hundred and seventy-five thousand inhabitants. In the interim, however, and while the State continued in that anomalous condition of exclusion from the Union, Congress had tendered for the consideration of its legislature, and *ostensibly* for its acceptance or rejection, several *propositions*,

set out in the act of 23d June, 1836.—(See Laws U. S., vol. 8, pages 395 and 396.) By the first and second of those propositions, Congress offered to convey to the State *the lands set apart* for purposes of education, and which, as I have already endeavored to show, had been, for the most part, already *secured*, in the most solemn manner, to the *purchasers* of the public domain, as one of the most material of the conditions of sale. The legal effect of these two propositions, if accepted, could be no other, therefore, than to transfer the *naked legal title* merely to *another trustee*, but subject always, and in all future time, *to the previously declared trust.* It would be unworthy disingenuousness to contend otherwise. The other three propositions contemplate the conveyance to the State of five sections of land for public buildings, all salt springs within the State, not exceeding twelve, (if so many could be found,) and six sections of land adjoining the same, (making in the whole seventy-seven sections, or forty-nine thousand two hundred and eighty acres,) and the five per cent. alluded to. In consideration of these grants, the legislature of Michigan were required, by an ordinance irrevocable except by mutual consent, to stipulate that the State should never interfere with the *primary* disposal of the soil by the United States of the public lands within the State, nor with any regulations Congress might find necessary for securing the title, &c., to *bona fide* purchasers, &c., and that *no tax* should be imposed on lands the property of the United States, &c.

The convention which framed the constitution of Michigan purported to authorize the State legislature to agree to such arrangement as it might deem reasonable, by which the State authorities should be forever precluded from interfering with the primary disposal of the soil of the United States or the public domain, but conveyed *no* such specific power to the legislature to surrender the right of taxation. That legislature, however, finding the State still excluded and unacknowledged, and seeing no ground of hope that it could be extricated from the embarrassments in which it was involved on any other or better terms, expressed their acceptance of *all* the propositions tendered, and, throwing themselves upon the magnanimity of Congress, and soliciting terms less severe, nevertheless passed the ordinance required. It consented to divest the State forever of one of the highest of the attributes of sovereignty—to surrender utterly the power of taxation; the right to subject to a fair and proportionate contribution for the support of its government, and for purposes of internal improvement, some four-fifths of all the real estate within its limits! and this, *really* in order that the State might be recognised and admitted into the Union; but, *ostensibly*, in consideration of the grant of the proprietary and usufructuary interest in less than 50,000 acres of land, the five per cent. alluded to, and *the honor of being appointed trustee* of the school and college lands. Where, then, in all these transactions, is discovered that unmixed disinterestedness, that spontaneous and generous liberality, which, in the imagination of some gentlemen, challenge so imperiously the gratitude of the whole west? The policy which dictated the *perpetual* reservation of lands for the purposes of education was wise, paternal, and beneficent; but these reservations were set out in the "*conditions of sale.*" The five per cent. and the other grants have been, and will be, most beneficially available to the State; but, as "purchase money," the State incurred a sacrifice inuring to the *pecuniary* benefit of the nation, *incalculably* greater than the value of the thing received! and yet, avowedly, these grants were placed

by Congress upon the basis of a *contract* for *adequate* consideration! The general government *professed* to require *an equivalent merely*. But has not that *supposed equivalent* proved of immeasurably more worth than the benefit bestowed? The influence upon the value of the public domain which the construction to and through it of the almost numberless roads and other avenues which have been opened, and toward which those lands have contributed *nothing*, is alone far more than equal to the value of all those grants. Of what use is a farm, unless there be roads or other avenues through which the products of that farm may be taken to market? If the United States were the owner of a lot in the city of New York, and the proper authorities should deem it for the public good to flag the sidewalk, and pave the street in front of it, public law and public justice would require that the proprietor of it should *contribute* toward the expense a sum proportionate to the increased value imparted to it by the operation. Let the *principle* of that rule be applied to the case of Michigan. Nor can it be said in the one case, more than in the other, that it is a mere *voluntary courtesy*, and that, *therefore*, justice can exact no remuneration to Michigan. The *necessities* of social, commercial, and political intercourse, render it indispensable that there should be roads, canals, and railways, there; the well-being and happiness of the people require it—the honor and prosperity of the State require it. The hunter and the trapper, and the wandering, houseless savage, may live without roads; the people of Michigan cannot. And it *is* fit that the public lands which lie useless to the State should contribute to their construction, at least to the extent of the increased value which they impart to the property. But there is another and a more grave aspect in which I wish to consider this subject. It was expressly stipulated in the deed of cession, and in the Virginia act authorizing it, (as I have already shown,) that each of these new States should possess *all the same rights and powers of sovereignty* which the Atlantic States originally possessed within their respective limits. It was made a *fundamental condition of the grant*. In the articles of compact comprised in the ordinance of 1787, it is *promised* to all who should go and settle there, that when any of those States (the boundaries of each are defined) should contain a population of 60,000, such new State should be admitted into the Union *on the same footing with the original States in all respects whatever*. This controlling provision was manifestly inserted in order to give effect to *that fundamental condition* of the grant. Those who consented to accept and take under a grant cannot ordinarily deny the title of the grantor, nor dispute the condition. It was the conceded right of each of the original States, as an undoubted attribute of sovereignty, to possess itself in full property of all the "crown" or "unseated lands" within its limits. But what may have been the value to Pennsylvania or Massachusetts, to Connecticut or Virginia, of that primary resource, it is now unnecessary to inquire. The case furnishes a singular exception to the general rule I have adverted to. The act and the deed of cession must now be taken, *subject to the paramount* law. The constitution of the United States was agreed to and adopted by the people *of all the* States. It has become the *paramount law*, and all prior and other acts, laws, and even *contracts*, must be taken *sub graviori lege*. The second clause of the third section of the fourth article of that constitution I have already adverted to. It is not my wish to bring into question the construction put upon it. That construction has become the settled policy of the Government. But

it is considered as not out of place to advert to the very great difference in the condition of the new States, positively as well as relatively to the old States, which this change in the terms of the deed of cession, produced by this construction of our fundamental law, has occasioned; and it may not be deemed improper either for me again to advert to the fact, that the delegates who framed the constitution of Michigan, by their ordinance which accompanied it, expressly authorized their agents to stipulate with this general government that the State authorities should never interfere with the primary disposal by the United States of the public lands. They *did* so stipulate, and I am not aware that the State authorities or the people have a wish to disturb that stipulation.

But the framers of that constitution never did thus specifically authorize those agents to surrender, for the pecuniary benefit of the nation, the power of subjecting to a just and proportionate taxation all the real estate which the general government might choose to retain within its limits; and, were it otherwise, if there be soundness in the views I have already presented, it might well be doubted how far it was *competent* for any State to surrender, for the benefit of this government, an attribute of sovereignty *so* undoubted—a power so *vital* in every independent State! But my purpose is not revolutionary. I have no wish to *unsettle* the *settled* policy of the government; and I advert to this specific topic, rather for the purpose of inducing a just appreciation of the great and disproportionate value of the right *given up*, compared with whatsoever has been received in consideration of its surrender. If it be objected that the propositions of Congress have been formally accepted by the authorities of Michigan, and that it is *now* neither creditable nor of right, at this late day, that they should complain of an alleged inequality in the *terms* of a compact previously assented to by them, especially after the large grants of land so recently made to *all* the new States, I reply, that it is *never* too late to appeal to the sense of justice and magnanimity of a government like this; and that it accords as well with its honor as with true policy to receive with *kindness* such an appeal, and with liberal justice to compensate for *any* inadequacy which may yet be found in the considerations received by the State, the late grant inclusive, for the concessions she has made, and the deprivations exacted from her. And, in this view, I consider it not immaterial to review the circumstances which preceded and accompanied her recognition as a State and her admission into the Union, and briefly, also, to consider of her present condition. It is still remembered by her, first, that she was excluded from the Union for a long time after she had acquired a population of more than sixty thousand, and, as her people believed, against the plighted faith of the nation. Second, that, when finally admitted, she was allowed but *one* Representative in the House, whereas she *claimed* to be admitted as Kentucky and as Maine were admitted, with a representation in the House proportioned to her population. By *that* rule, she should have had at least *three* members there. Third, she was refused admission, and all recognition as a State, unless upon terms most injurious, and which her people thought unjust and degrading! terms by which she was deprived of the only natural harbor she had on Lake Erie, by which she was dismembered of a large tract of most valuable country along her whole southern border, and by which, especially, there is taken from her the site of what is destined to be one of the most wealthy and one of the most commercially important

of the cities of the lakes. Fourth, that the determination of Congress seemed unalterable, to refuse her admission, unless upon the fundamental condition of her surrender forever, for the *pecuniary benefit of this* government, of the most important of all the attributes of sovereignty—the right of taxing, for the support of her government, and for the development of the natural resources of the State, all the unsettled lands within her limits. And when a repugnance to *all* these terms was evinced by the people of Michigan, the countenance of this government was withdrawn from her, and she was manifestly placed "*under the ban of the empire!*" But she was few in numbers, feeble in resources, and *deforced*, as her people thought, of her fair and just rights. She at length, under *such* duresse, succumbed, and *did* all, and *promised* all, that was required of her! And may she not now come, appealing to the justice and liberality of this national government, and, without prejudice by what under *such* circumstances her authorities have done, ask that the terms of that compact may be made *more* equal; that the consideration of that surrender may be made more adequate; that, in short, she may be placed "upon a footing" more nearly approximating to that of the original States? And, especially, may she not hope for such further appropriation of those lands now lying unproductive and waste within her limits, as, while it advances this national fund in value, will at the same time so greatly aid the State in completing some of those internal improvements she has commenced—lines of interior communication, *national* in their character and tendencies, and her efforts to consummate which have involved her in pecuniary embarrassments so serious? Precluded, as *all* the States of this Union are, from all power to levy duties upon imports into the State, Michigan has no State fund whatever, whether of wild lands or other property, to which to resort—no source of revenue is left to her but that of direct taxation; and that resource in a country so uncultivated, so recently and sparsely settled, resolves itself almost exclusively into a tax upon land. Out of *such* a fund our schools are as yet principally supported; out of the *same* fund the vast expense of constructing and repairing the ordinary public roads of the country is defrayed; and out of the same fund the expenses of the township and county police, the civil list, and all the ordinary expenditures of the State are defrayed. The severity, therefore, of our taxation is excessive. The printed documents of the Michigan legislature for 1840 show that the average amount of tax upon every eighty-acre lot of one of our largest counties (that is, one of those that contain the largest amount of land which has become the *property of individuals*) was for a single year, *and for roads only*, upwards of five dollars, being more than five per cent. *annually* upon the cost of the lot, ($100,) and for a single object!—a rate of tax which, if applied to all lands alike within the State, would raise from those *of the United States alone* probably two millions of dollars. By the communication of the auditor general of the State to the governor of Michigan, dated October 10, 1842, and herewith exhibited, it appears that the public taxes during the two preceding years, over the whole State, averaged $3 22 *per annum* on *every unimproved eighty-acre lot* which had become individual property within the State—that is, $3\frac{22}{100}$ per cent. upon the cost—a rate of taxation which, if applied to United States lands within the State, would produce, I suppose, more than a million, or perhaps a million and a half of dollars *per annum!* And yet, as the letter indicates, this is smaller than the customary rate! The five per

cent. of the *net* proceeds of the sales of the public lands (*in fact*, much less than five per cent. upon the *cost* of every eighty-acre lot, for the *expenditures* are first to be subtracted) is paid *once*, and but *once*, forever. Much of it will never be paid, for there will be no purchasers. How, then, can it be for a moment pretended that the five per cent. so granted, and all the other grants, can constitute an adequate consideration for the surrender made by the State (if such surrender *could* be made) of its own *eminent domain*, its own sovereign right, to subject to a just and proportionate taxation all landed property within its jurisdiction?

That the taxes required by the government of Michigan are enormous, probably beyond all precedent, there can be no doubt. It may create surprise that they should be so high, especially when it is remarked that personal property is likewise taxed at the same rate ad valorem. But this surprise will cease when the causes which have led to it are further considered. Notwithstanding the large amount of sales effected there of the public domain, it is presumed that some three-fourths of all the land within the State continues to be the property of the United States, and is, therefore, withdrawn from the power of taxation; but the necessary expenditures of the government of the State are in no wise lessened in amount by that fact. The large tracts of this public domain, which intervene between one farm and another—one village, one town, and one city, and another—must be traversed. Roads *must* be made, and communications opened between them; and this, in a new and unsettled country, is *always* the great object and cause of expense. The result is, that the expenses of the *whole* are defrayed by a tax upon the *one-fourth* only of that which, in one of the Atlantic States, would have been subjected to taxation! It is *therefore* that the taxes are oppressive; and now that the currency of the whole country is so nearly annihilated, it has from day to day been growing more and more *impossible* to pay them! I have recently read a communication from the auditor general of the State, which I herewith exhibit. It affirms the startling and almost incredible fact that more than *four millions* of acres of land have been returned, for a single year, for the non-payment of the tax assessed against them, and thence become subject to a sale at auction for that delinquency! and yet the whole amount of the money sought to be raised by the assessment was deemed *necessary* for the purposes to which it was made applicable. It will at once have been perceived, that if *all* lands were subject to a ratable taxation, according to their value, alike, the tax on *each* lot would have been perhaps three-fourths less, and the whole, without being oppressive, easily paid. Can it be denied, then, that there exists an absolute *inadequacy* between the value of the right surrendered by the State for the benefit of the general government, and the consideration accorded to the State as *the price* of that surrender? Seeing, then, the value of the right given up, the circumstances under which the assent of the State was obtained, its present "lame and impotent condition," by reason of its paucity of resources, and this *total inadequacy* of price, do not *justice* and *sound policy* alike indicate the propriety of resorting *to some* measures by which the State may be restored to something *approximating* at least to a more "equal footing with the original States?" And, in this view, and especially considering the objects sought to be attained by it, is it just, liberal, or magnanimous, to withhold the concession asked for?

There remains another view of which this subject is susceptible, and

which I feel myself bound to place before the committee. The works, to aid in the accomplishment of which the bill before the committee provides, however locally advantageous, and necessary for the proper development of the resources of Michigan, are nevertheless strictly *national works*. They consist of lines of communication, connecting the straits of Detroit and Lake Erie directly with Lake Michigan, by short interior passages. A glance at the map will show how far the peninsula of Michigan *juts in* among the lakes; as the term implies, it is almost surrounded by these waters. The shallowness and shifting sands of Lake St. Clair, (on the southeastern border of the State,) and the rapidity of the current of the narrow straits of that name, present serious impediments to a *convenient* navigation around it. The storms that toward the commencement of almost every winter pass down Lake Michigan, from its northern extremity, with so terrific a violence, always involve in the most imminent danger all vessels exposed to them, and seldom fail to terminate in shipwreck, loss of property, and loss of life. But, in the view in which it is sought now to present this subject, it is principally worthy of remark, that during nearly six months of every year the navigation of these inland seas remains closed by the cold which prevails in those high northern latitudes. Shall the immense population now rolling, like an overwhelming flood, into the fertile regions west of Lake Michigan, and the already vast and increasing commerce of Chicago, and of the towns and cities so rapidly rising into existence over that portion of Illinois and Wisconsin which borders that lake, be shut out, during six months of the year, from all convenient communication with the Atlantic cities, when, by the completion of those *national works*, especially the railway, that destructive consequence would be so effectually avoided?

The Clinton and Kalamazoo canal is designed to open a communication between the straits of Detroit and Lake Michigan, by a direct route across the peninsula. Its eastern termination is at Mount Clemens, on the Clinton river, near its entrance into Lake St. Clair, a short distance above the city of Detroit. It has two termini at its western extremity—one at the upper termination of the ship navigation of the Kalamazoo river, and the other at a point upon the Grand river of Lake Michigan, to which the vessel navigation extends. It leads into and through a country abounding in mineral wealth, and of almost unequalled fertility and beauty, the northwestern part of which is unsettled, and remains, for the greater part, public domain; about sixteen miles of which only is excavated and finished. Its entire length is 216 miles.

The Detroit and St. Joseph railroad, commonly called the "central railroad," proceeds westward from Detroit, about two hundred miles, to the mouth of the St. Joseph river, near the southern extremity of Lake Michigan, where the communication with Chicago is short and easy. This work seems of more immediate importance than any other of the projected lines of communication; and, notwithstanding all the disadvantages with which Michigan, in common with the people of so many States, has had to contend, she has, nevertheless, been enabled to extend her cars on this road, during the last season, to Jackson, a point eighty miles (or more) west from Detroit, more than one-third of the whole route. As, from time to time, that work has been advanced into the interior, its pecuniary income (the net amount of which constitutes a sinking fund for the pay-

ment of the interest upon the State loans) has been increasing in a ratio altogether greater than in proportion to its increase of distance.

The authentic document herewith exhibited, emanating from the State board of internal improvement, shows that the average *net* profits of the road during the last eight months have been $70,000. And so great has been the increase of business, upon each successive extension of it, that the opinion is most confidently advanced by the board, that the completion of the work to its western terminus would produce an income more than sufficient to pay all the semi-annual interest accruing upon the State debt. While the strongest motives, therefore, on the part of the people of the State must lead them to desire earnestly its completion, the strongest assurance is thus at the same time furnished, that any proportionate aid the general government may extend toward its accomplishment will not be thrown away.

But the national character of the works in question does not consist *solely* in the avenues it would thus furnish, through which the people and the commerce of the country west and northwest of Lake Michigan may pass over the peninsula of Michigan with celerity and safety at all times, and especially at times during the winter months, when all other avenues seem closed. The railroad, especially, constitutes a necessary part of that extraordinary line of railway communication which is progressing, and is designed to extend from Boston and Albany, and from the city of New York, to Chicago, in Illinois. It constitutes the prolongation of a chain of perhaps 1,200 miles in length, now in progress of construction! What spectacle can be more magnificent! what public work could be devised productive of benefits so great, of results so immense! From Boston and Albany to Buffalo, a distance of some 500 miles, the work, as is well known, is completed. From the city of New York to Dunkirk, on Lake Erie, a similar work is in progress. From Buffalo to the western line of Pennsylvania, the work, it is believed, will not long be delayed; and from that point through Ohio to its northwestern extremity at the Miami bay, running parallel with and not far interior from the lake, 120 miles of it are "under contract," and 60 miles of it (with the exception of ironing) completed. (See com. of P. Card, Esq., agent, &c., herewith exhibited.) And from the Miami bay, northwestward, toward its intersection with "the Detroit and St. Joseph railroad," some 16 miles of it are in like manner either finished or "under contract"—leaving but a short link in the communication with Detroit of about 28 miles as yet unaccomplished. Thus will this route intersect the projected communication from Pittsburg to Erie; the New York and Erie railroad terminating at Dunkirk, and the great work already finished from Boston and Albany to Buffalo. And this great work, when completed, will furnish means for the conveyance of persons and of property from Boston to Detroit in less than three days, and in twenty hours or less from there to the shore of Lake Michigan.

To aid the State in this extension is *one* of the objects of the bill. Millions of the public moneys have been expended upon the Cumberland road; and none who have travelled along that enduring and magnificent work ever doubted of the soundness and the wisdom of the policy which led to its construction. But upon what grounds can that policy rest which would not equally apply to the extension of these great works? Is it because of the facilities it may furnish for the transmission of the public mail that its construction is justified? The same reason, with a force as

great, will apply to the extension sought for of the Detroit and St. Joseph railroad. Is its construction sought to be justified because of the facilities it may furnish to that interior commerce between the States, the regulation of which is exclusively confided to Congress? or because of the incalculably great aid it may afford in wielding the public force in time of war, in the transportation of troops and all the provisions and military stores which form the materiel of an efficient army? The same reasons, but with increased force, it is respectfully submitted, would induce the construction of such works as are contemplated in the bill. They extend through a region less easily traversed; they operate upon a frontier less efficiently protected and more destructively assailable than any other. And such a line of railroad communication from the Atlantic cities as is in progress, and as this bill proposes (in part) to extend and complete, by which troops, munitions of war, sailors, and materials for the rapid construction of vessels of war, may, in any exigency, be thus suddenly transported from that Atlantic coast to the lakes, seems, with reference to the military defences of the country, *peculiarly* to commend itself to the favor of the committee. If the road through the "Black swamp," constructed *since* the last war, by the application to that object of the public domain through which it passes, had been in the same condition prior to the war it is *now* in, this people would have been spared the humiliation of witnessing the conquest, by the enemy, of an entire province, and the nation saved from the expenditure of some twenty or thirty millions of dollars, which its recapture is reputed to have cost. But I will not take up the time of the committee by an attempt to illustrate the necessity of a proper system of roads, canals, &c., with reference to *either* of the objects indicated, nor with reference to a still more important consideration, that, viz: of the influences of such a system upon the permanence of the Union itself. All these considerations have been the frequent topics of the most elaborate and able discussion, both in and out of Congress, heretofore. I venture, however, to ask the attention of the committee to a report made to the House, January 7, 1819, by the distinguished gentleman then at the head of the War Department, in which the general subject is discussed with that great ability which is so characteristic of his efforts. (See Reps., &c., 1st sess. 17th Cong., vol. 1, No. 8, p. 89, &c.) And in illustration of the emphatic adaptation of such a system to Michigan as a *necessary* measure of military defence, I also beg leave to ask the attention of the committee to the report of a select committee (concerning the "Brownstown treaty") made to the House May 12, 1820, subsequently adopted and reported, again to the House March 8, 1822. (See Reps., &c., 1st sess. 17th Cong., No. 61.) The principles of that report (made, as it was, with reference to Michigan) seem to have been fully considered and deliberately adopted by Congress, and are now, perhaps, quite as strongly applicable to Michigan as then.

The rapidity with which the population of that portion of the province of Upper Canada which is opposite to Michigan has increased within the last few years, and is still increasing, seems to have escaped the observation of the American public. The proprietary interest in all the "crown lands" within that province, as has been already observed, has been *vested in the colony*. The whole system of their management has been placed in the control of the provincial legislature, and the proceeds of all sales of them are placed in the colonial treasury. That provincial government

has therefore a *deep* interest in their early disposition and prompt settlement. The climate of Upper Canada is believed to be equally salubrious with that of Michigan, and the soil quite as fertile. Farms are being opened, towns growing up, and cities being established, throughout the province, with a rapidity quite unexampled in Canadian history. Public roads of expensive and superior structure have been made and are making from the head of Lake Ontario, through the interior, to Goderich, toward the upper part of Lake Huron to Sandwich, also on the straits, and to Windsor, opposite to Detroit, and to all important intervening points. Railroad companies have been incorporated, and a system of internal improvement, by canals, &c., of the most gigantic character, is in the course of the most vigorous prosecution on *all* important lines of communication in both provinces. Already the "Home Government," it is said, has appropriated between seven and eight millions of dollars towards the accomplishment of these great works. One palpably evident tendency of this new and bold policy, now so energetically pursued, will be, in time of peace, to give to the British the commercial monopoly of the immense and increasing trade of the country of the lakes—an object, beyond question, worth striving for. But their border troubles manifestly gave the first impulse to the system. Military operations, so extensive and so rapid as then seemed required, could hardly fail to evince its necessity. The consideration that their relations with this government might *possibly*, and even *probably*, lead to a war between the two nations, it seems quite reasonable to suppose, induced the "Home Government" to adopt the policy, and hasten its accomplishment, as a *permanent* system, upon the enlarged scale upon which it seems now prosecuted. And if unhappily the peace of the two nations should again be disturbed, and a state of war supervene, it is *impossible* not to perceive that the completion of their system would enable the enemy to enter upon such a contest, along *that* frontier at least, with a most fearful and transcendent advantage. A single hypothetical case will serve to illustrate the *character* of this advantage. Since the construction and enlargement of the Welland canal, the largest vessels may pass through it from Lake Ontario to Lake Erie; and of that canal the British government has of course the exclusive control. Their whole disposable force, both naval and military, may be passed up or down it at pleasure. It will not, I trust, be offensive, hypothetically at least, to suppose that one vessel and one soldier, or sailor, is equal to another. Then it requires no effort to demonstrate that the United States must possess on *each* lake *double* the force, in order to meet the enemy on *equal* terms. The power of sudden concentration and rapid movement (the guarantee of success in war) will be *theirs*, not *ours!* The most remote points will be exposed to sudden and successive assaults, without the *possibility* of effective resistance; and the multitudes of towns and cities along that defenceless frontier, if suffered to continue in its present condition, would inevitably be laid under contribution, or (dreadful alternative!) be reduced to utter desolation, waste, and ruin!

Conscious that I have already extended this communication to perhaps an unwarrantable length, and painfully reluctant to occupy more of the valuable time of the committee, I feel that I must now close my remarks, and submit the whole matter to its enlightened, and I hope its indulgent and liberal consideration. I have endeavored to show, first, that, for reasons which I have sought to illustrate and enforce, Congress has *itself*

placed the surrender, by the State, of its high prerogative of taxing *all* the fixed property within its limits, not expressly exempted by the constitution, upon the footing of a *compact*, implying *adequacy of consideration*.

Second, that experience has demonstrated, that the consideration received for the surrender has fallen *immeasurably* short of a fair equivalent.

Third, that justice and *true policy* require, at the hands of the national government, that such inadequacy should no longer exist; but that, by further concessions of public domain, the deficiency should now, at least in part, be made good.

And, fourth, that, considering the circumstances preceding and attending the consummation of that compact, and also the paucity of the fiscal resources of the State, such application in behalf of the State is *not* inconsistent with a proper regard for its own good faith, nor with *those principles* of high *honor* which ought to distinguish the character and transactions of a member of this Union.

I have also endeavored to show that, *aside* from any equitable claim founded in an alleged inadequacy of consideration, the application which the bill proposes, of the avails of the lands designated, commends itself, as a measure of mere financial economy, and for precisely the same reasons that influence a prudent and judicious farmer to open a drain through his wet meadow lands—it renders the whole farm more available, and of greater worth. That, as this course has been pursued in regard to Ohio, Indiana, and Illinois, neither wisdom nor sound policy will sanction the continuance of a distinction so invidious between Michigan and those more favored States. And, more especially, I have sought to show that the contemplated lines of communication across the peninsula of Michigan are worthy to be considered great national works. That the railroad, particularly, forms but a continuation of a stupendous line of direct and rapid interior communication from Boston and New York, through many States, to Illinois and Wisconsin, beyond Lake Michigan—a line of communication called for as a means for the more convenient, rapid, and certain transmission of the national mail; called for by the national commerce, and by the social, commercial, and political wants of the people of all the States and Territories to and through which it is intended to pass; and yet more *eminently* demanded by the certainty and effectiveness it would impart to military operations in a state of war, and as a part of the military defences of a frontier incomparably more exposed than any other, but which is not *less entitled* than any other to the protection of the national ægis.

Commending, but with great deference, these several views to the favorable consideration of the committee, I have the honor to remain, sir, with great respect, your obedient servant,

WILLIAM WOODBRIDGE.

Hon. O. H. Smith,
Chairman of Committee on Public Lands.

C.

Ann Arbor, *December* 23, 1842.

Sir: I am requested by the board of commissioners to send you the enclosed list of townships and sections lying upon the route of the Cen-

tral railroad, or, rather, through which it is to pass, between Marshall, in Calhoun county, and St. Joseph, on Lake Michigan, the western termination of the route. The distance, by the surveys of the road, is ninety miles.

As far as Kalamazoo (thirty-six miles beyond Marshall) the line has been definitely located; but from that place to St. Joseph (fifty-four miles) as yet only the preliminary surveys have been made, and it is probable that, on a final location, some alterations may become necessary, and that, instead of the sections given, the line may, in some instances, be changed on to an adjoining one. This cannot be material, however, as regards the purposes for which the statement is required.

I am happy to inform you that, notwithstanding the difficulties we have had to contend with the past season, the road is now so far completed to Jackson that our cars will extend their daily trips to that place in a week from this time. Between Jackson and Marshall the contractors are already at work, and the engineers are now engaged in preparing the line for letting from the latter place to the village of Battle Creek, twelve miles further.

Very respectfully, sir, your obedient servant,

JOHN M. BERRIEN.

Hon. WILLIAM WOODBRIDGE.

D.

AUDITOR GENERAL'S OFFICE,
Detroit, October 10, 1842.

SIR: I have made such examinations of the returns for 1840 and 1841, of lands delinquent for taxes, as seem to be called for by the communication of the Hon. William Woodbridge, submitted to this department. And the average tax for State, county, township, highway, and school purposes, on each unimproved 80-acre lot, is about $3 22. This is a much smaller tax than was assessed for former years, owing, in part, to the restrictions of law of 1840, and partly to the lower valuations of the assessors. If anything further is necessary to meet the request referred to, it will be promptly attended to.

Most respectfully, your obedient servant,

C. G. HAMMOND, *Auditor General.*

His Excellency Gov. BARRY.

E.

AUDITOR GENERAL'S OFFICE,
Detroit, December 24, 1842.

SIR: Your note of November 21 would have been responded to at an earlier day, but for the pressure of business in this office, incident to the close of the fiscal year which has just terminated.

You ask: "Will you have the goodness to send to me a statement of

the aggregate quantity of land now remaining, returned to your office for the non-payment of taxes, and, in consequence, liable to be sold at public auction by reason of such non-payment?" "Or, if more convenient, will you be pleased to send to me a statement of the gross amount so returned for non-payment of taxes for any one year?"

The clerical force allowed to this department is so limited that I am deprived the pleasure of answering the first interrogatory. The aggregate amount of land returned to this office for non-payment of taxes assessed for the year 1839, was four million eighty-six thousand three hundred and ten (4,086,310) acres. It is believed that subsequent years do not materially vary in the quantity of lands thus delinquent.

I have the honor to remain your most obedient servant,

CHARLES G. HAMMOND,
Auditor General.

Hon. WILLIAM WOODBRIDGE, *U. S. Senate.*